



Charles M. Lizza
Phone: (973) 286-6715
Fax: (973) 286-6815
clizza@saul.com
www.saul.com

February 10, 2023

VIA ECF

The Honorable Kevin McNulty, U.S.D.J.
United States District Court
Lautenberg U.S. Post Office & Courthouse
Federal Square
Newark, New Jersey 07101

Re: GW Research Limited v. Teva Pharmaceuticals, Inc., et al.
Civil Action No. 23-18 (KM)(AME)

Dear Judge McNulty:

This firm, together with Quinn Emanuel, represents Plaintiff GW Research Limited ("GW") in the above-captioned matter.

Enclosed is a Stipulation and Order Regarding Personal Jurisdiction, Venue, and Time to Answer the Complaint for the InvaGen Defendants¹, to which GW and the InvaGen Defendants have agreed. If the enclosed Stipulation and Order meets with the Court's approval, we respectfully request that Your Honor sign it and have it entered on the docket.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink that reads "Charles M. Lizza".

Charles M. Lizza

Enclosure

cc: Counsel for GW and the InvaGen Defendants (via email)

¹ "InvaGen Defendants" refers to Defendants InvaGen Pharmaceuticals, Inc., Cipla Ltd., Cipla USA, Inc., and API Pharma Tech LLC.

Charles M. Lizza
William C. Baton
Sarah A. Sullivan
Alexander L. Callo
SAUL EWING LLP
One Riverfront Plaza, Suite 1520
Newark, New Jersey 07102-5426
(973) 286-6700
clizza@saul.com

*Attorneys for Plaintiff
GW Research Limited*

Paul W. Kalish
FOX ROTHSCHILD LLP
997 Lenox Drive
Lawrenceville, NJ 08648
Phone: (609) 895-6751
pkalish@foxrothschild.com

*Attorneys for Defendants InvaGen
Pharmaceuticals, Inc., Cipla Ltd., Cipla USA, Inc.,
and API Pharma Tech LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GW RESEARCH LIMITED,

Plaintiff,

v.

**TEVA PHARMACEUTICALS, INC.,
APOTEX INC., PADAGIS US LLC,
INVAGEN PHARMACEUTICALS, INC.,
CIPLA LTD., CIPLA USA, INC., API
PHARMA TECH LLC, LUPIN LTD.,
ALKEM LABORATORIES LTD., TARO
PHARMACEUTICAL INDUSTRIES
LTD., ASCENT PHARMACEUTICALS,
INC., MSN LABORATORIES PRIVATE
LTD., MSN PHARMACEUTICALS, INC.,
ZENARA PHARMA PRIVATE LTD., and
BIOPHORE PHARMA, INC.,**

Defendants.

Civil Action No. 23-18 (KM)(AME)

(Filed Electronically)

**STIPULATION AND ORDER REGARDING PERSONAL
JURISDICTION, VENUE, AND TIME TO ANSWER THE
COMPLAINT FOR THE INVAGEN DEFENDANTS**

This stipulation is made by and between (i) GW Research Limited (“Plaintiff”); and (ii) InvaGen Pharmaceuticals, Inc. (“InvaGen”), API Pharma Tech LLC (“API”), Cipla Ltd., and Cipla USA, Inc. (InvaGen, API, Cipla Ltd., and Cipla USA, Inc., collectively, “the InvaGen Defendants”) in the above-captioned action (the “Action”). Plaintiff and the InvaGen Defendants, by and through their respective undersigned counsel, hereby stipulate and agree, subject to the approval of the Court, as follows:

1. InvaGen agrees that, for purposes of the Action only, it will not contest personal jurisdiction in the U.S. District Court for the District of New Jersey and, as such, will not move to dismiss the Action on grounds that the U.S. District Court for the District of New Jersey lacks personal jurisdiction over InvaGen. InvaGen further agrees that, for the purposes of this Action only, it will not contest venue in the District of New Jersey in the Action and, as such, will not move to dismiss or transfer the Action based on alleged improper venue.

2. API agrees that, for purposes of the Action only, it will not contest personal jurisdiction in the U.S. District Court for the District of New Jersey and, as such, will not move to dismiss the Action on grounds that the U.S. District Court for the District of New Jersey lacks personal jurisdiction over API. API further agrees that, for the purposes of this Action only, it will not contest venue in the District of New Jersey in the Action and, as such, will not move to dismiss or transfer the Action based on alleged improper venue.

3. The terms of this Stipulation cannot be used by Plaintiff, InvaGen, or API to argue for or against jurisdiction or venue in future actions.

4. The InvaGen Defendants will respond to the Complaint filed in the Action on or before March 13, 2023.

5. The terms of this Stipulation are without prejudice to any claims, defenses, or counterclaims that may be asserted in the Action, except with respect to the issues of personal jurisdiction and venue addressed herein.

6. Currently pending before the United States District Court for the Eastern District of New York is *GW Research Ltd. v. InvaGen Pharms., Inc. et al.*, Case No. 1:23-cv-256-DG-JRC (“New York action”). Upon filing this Stipulation and upon entry of the proposed order, Plaintiff in the New York action will file a voluntary dismissal of that case pursuant to Fed. R. Civ. P. 41(a)(1).

SO STIPULATED on February 10, 2023:

s/ Charles M. Lizza

Charles M. Lizza
William C. Baton
Sarah A. Sullivan
Alexander L. Callo
SAUL EWING LLP
One Riverfront Plaza, Suite 1520
Newark, New Jersey 07102-5426
(973) 286-6700
clizza@saul.com

F. Dominic Cerrito
Eric C. Stops
Evangeline Shih
Daniel C. Wiesner
Gabriel P. Brier
Nicholas A. LoCastro
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
(212) 849-7000

*Attorneys for Plaintiff
GW Research Limited*

s/ Paul W. Kalish

Paul W. Kalish
FOX ROTHSCHILD LLP
pkalish@foxrothschild.com
Princeton Pike Corporate Center
997 Lenox Drive
Lawrenceville, NJ 08648
Phone: (609) 895-6751

Jayashree Mitra (*pro hac vice*)
Howard S. Suh (*pro hac vice*)
101 Park Avenue, 17th Floor
New York, NY 10178

Jeff E. Schwartz (*pro hac vice*)
2020 K Street, N.W., Suite 500
Washington, D.C. 20006

Lukas D. Toft (*pro hac vice*)
33 South Sixth Street, Suite 3600
Minneapolis, MN 55402

*Attorneys for Defendants InvaGen
Pharmaceuticals, Inc., Cipla Ltd., Cipla USA, Inc.,
and API Pharma Tech LLC*

It is **SO ORDERED** this ____ day of _____, 2023.

Hon. Kevin McNulty, U.S.D.J.